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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARYBEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

In the Matter of

Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
(Valley Mills, TX))
)
)
)
)MM Docket No. 01-47
RM - 10063To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau**COUNTERPROPOSAL**

Roy E. Henderson ("KBAL"), licensee of Station KBAL-FM, San Saba, Texas and Pecan Bayou Radio, by their respective counsel, submits this Counterproposal in response to the Notice of Proposed Rule Making ("NPRM"), DA 01-398, released February 16, 2001, in the above referenced proceeding. KBAL proposes to upgrade Station KBAL-FM by substituting Ch. 237C3 for Ch. 291A (IF channel) and changing its community of license from San Saba to Goldthwaite, Texas as its first local service. Pecan Bayou proposes two new FM channel allotments at Richland Springs and Hico, Texas as a second option. In support hereof, KBAL/Pecan Bayou state as follows:

1. The NPRM proposes to allot Ch 237C2 at Valley Mills, Texas as its first local service in response to a petition from Valley Mills Radio Broadcasting Company ("Petitioner"). This petitioner had previously submitted the same petition in MM Docket No. 00-27 but withdrew its interest in the Valley Mills proposal after the NPRM in that proceeding was issued. Petitioner makes no reference to the previous attempt to have the same channel allotted to Valley Mills in the second petition.

2. As indicated in the attached channel study, Ch 237C3 can be allotted to Goldthwaite provided a channel substitution is made at Brady, Texas for Station KNEL-FM and a change in the

transmitter site is made for Station KAGT, Baird, Texas. Goldthwaite is listed in the 1990 U.S. Census as an incorporated community with a population of 1,658 persons. The proposal is in conflict with the petition for Ch. 237C2 at Valley Mills. Goldthwaite has the larger population and therefore should be favored under the Commission's allotment priorities. See e.g. Rose Hill, North Carolina, et al., 11 FCC Rcd 21223(1996), recons. denied, 15 FCC Rcd 10739(2000). KBAL will apply for Ch. 237C3 at Goldthwaite should this proposal be granted and will construct the authorized facility.

3. As indicated in the attached channel study, Channel 296A can be substituted for Channel 237A at Brady, Texas at the current transmitter site. An Order to Show Cause will be necessary to grant this proposal. KBAL will reimburse the licensee of Station KNEL-FM if this substitution is made.

4. In addition, Station KAGT must change its transmitter site. The station already has a construction permit for a new site location issued last month. A channel study at the new site is provided in the Engineering Statement. A consent statement for the new transmitter site to accommodate this proposal will be submitted as a supplement. KBAL hereby states that it will reimburse the licensee of Station KAGT for its reasonable expenses in changing transmitter site should this proposal be granted.

5. In order to change community of license, the licensee must demonstrate that (1) its proposal is mutually exclusive with its current authorization; (2) the proposal would result in a preferential arrangement and (3) the existing community would not be deprived of its only local service.

6. The proposal is mutually exclusive because the new site is short spaced to the pending application site of Station KBAL-FM. This application should be granted within a normal time frame and well before action is taken in this proceeding. The purpose of Section 1.420(i) is to avoid

a situation where a new allotment is made but it is not made available to other interested parties to apply as well. However, in cases where the existing authorization precludes the opportunity for others to apply, the Commission will permit a change in community of license. Here, due to the Commission's cut off protection rules, no other party could apply for the allotment of Channel 237C3 to Goldthwaite as proposed. Other parties also have the opportunity to propose Channel 237C3 at Goldthwaite as a new allotment by the comment date in this proceeding. But in the absence of such a filing, the Commission should not give additional opportunities for such a proposal. KBAL realizes that the Commission can not modify its authorization to Goldthwaite unless and until a permit is granted. However, as stated, KBAL expects the permit to be granted well in advance of Commission action herein.

7. The proposal will result in a preferential arrangement because the Goldthwaite allotment will result in a first local service (Priority 3) while San Saba will retain local service from KBAL(AM). Goldthwaite, Texas is an established community whose residents share common interests and identity with their community. Goldthwaite fully satisfies the FCC definition of "community" for allotment purposes and is deserving of a first local service. Goldthwaite had a population of 1,658 according to the 1990 U.S. Census. There is a mayor/city council form of government and a city manager. The current mayor is Richard Poss, and the city council consist of five (5) members. The mayor and city council are elected to serve a two-year term. Goldthwaite provides a number of different municipal services to its residents, including electricity, water, sewer and trash collection services. Goldthwaite has its own post office and zip code (76844). Goldthwaite provides police and fire protection for its residents through Mills County. Goldthwaite has a sheriff's office (one sheriff and four deputies) and a volunteer fire department (30 volunteer firefighters). Children attend schools within the Goldthwaite Independent School District, which includes a high school, a middle school and an elementary school.

8. Goldthwaite's distinct cultural identity is reflected in its unique and colorful history, and in its various community events, celebrations and popular attractions. Goldthwaite has its own weekly newspaper *The Goldthwaite Eagle*, which provides local news and current events for the city residents. Goldthwaite has a City Park and golf course, and offers several team and athletic sports for the youth, including baseball, softball, soccer and basketball (known as the Little Dribblers League).

9. There are several churches in Goldthwaite, including first Baptist Church, First United Methodist Church, Church of Christ and Assembly of God, to name a few. Community and civic organizations in Goldthwaite include, Goldthwaite Lions Club, Boys and Girls Scouts of America, Garden Club, VFW Post, Order of Eastern Star, and Masonic Lodge.

10. There are over 100 local businesses located in Goldthwaite. Goldthwaite residents can obtain medical care from Mills County Diagnostic Clinic, which provides general practice and family practice medicine for the residents of Goldthwaite.

11. Goldthwaite is not located in an Urbanized Area and the proposed 70 d Bu contour will not reach any Urbanized Area. The attached Engineering Statement shows a net gain in service to 6,311 population in an area of 2,985 square kilometers. The loss area will retain at least five aural services. See Engineering Statement.

12. Pecan Bayou proposes the allotment of Channel 291A to Richland Springs, Texas as its first local service. This proposal requires the substitution of Channel 237C3 for Channel 291A as proposed by KBAL. Richland Springs is listed in the 1990 U.S. Census as an incorporated community of 344 persons. Should Channel 291A be allotted to Richland Springs, Pecan Bayou will file an application and construct the facility.

OPTION II

13. In the event that the Goldthwaite allotment is not granted for any reason, Pecan Bayou is still interested in the allotment of Channel 291A at Richland Springs. This allotment can be made if Channel 237A is substituted for Channel 291A at San Saba and Channel 296A is substituted for Channel 237A at Brady. Pecan Bayou will reimburse the Brady licensee for the reasonable expenses in changing channels. See attached channel study. KBAL hereby consents to the substitution of Ch. 237A at San Saba at a new transmitter site and will apply for a new site in compliance with the Commission's Rules. This substitution conflicts with the Valley Mills proposal.

14. In addition, Pecan Bayou proposes the allotment of Channel 285A at Hico, Texas as its first local service. Hico is an incorporated community with a 1990 U.S. Census population of 1342 persons. Hico is deserving of its own radio station. Hico is an established community whose residents share common interests and identity with their community. Hico fully satisfies the FCC definition of "community" for allotment purposes and is deserving of a first local service. There is a mayor/city council form of government and a city manager. Hico provides a number of municipal services, including police and fire protection. Hico has its own post office, independent school district, doctors' clinic and public library.

15. Hico's distinct cultural identity is reflected in its unique and colorful history, and in its various community events, celebrations and popular attractions. Originally founded in 1856 on Honey Creek, which flows into the Bosque River, Hico, Texas was named after an early settler's hometown in Kentucky. In 1880, the Texas Central Railroad was built through Hamilton County, and Hico was only two and one half miles from the railroad. Officials proposed that the town be moved to the railroad. Modern-day Hico is a small west Texas town, boasting big western legends

and history. Hico is the home of Billy The Kid Museum and is popular for Texas' only "Texas Cowboy Hall of Fame." Hico has many antique and craft shops, featuring handcrafted leather and knife accessories. Hico has a host of annual events throughout the year, including Vintage Car Show, American Jam/4th of July Celebration, Old Settler's Reunion, Hico Auto Swap Meet, Hico Livestock Show and Christmas Craft Market and Light Parade, to name a few. See Exhibit A.

16. There are several local businesses located in Hico. There are over 100 business establishments in Hico. Several businesses identify with the City by using "Hico" in their name, including: Hico Florists, Hico Hills Inn, Hico Banking Center and Fredericks of Hico. See Exhibit A. There also are several churches and civic organizations in Hico.

17. Pecan Bayou hereby states that it will apply for the 285A at Hico and construct the facility. This allotment can be made consistent with the Commission's spacing requirements if Channel 237A is substituted for vacant Channel 285A at Meridian, Texas. See attached channel study. This substitution is in conflict with the Valley Mills proposal. The Meridian substitution of Channel 237A can only be made if Channel 237A is also substituted at San Saba under this Option II. If Option I is granted and Channel 237C3 is allotted to Goldthwaite then this Hico proposal can not be granted. The joint parties hereby state that Option I, the allotment of Channel 237C3 at Goldthwaite is their preferred option.

18. Section 73.3519 prohibits the filing of repetitious applications. The Petitioner should not be permitted to re-file this proposal after having dismissed the same request just several months ago. Such repetitious filings are a waste of the Commission's resources.

19. The provision of first local services at Hico and Richland Springs should be favored over a first local service at Valley Mills due to the combined larger population and the fact that Hico alone has more population than Valley Mills.

20. Accordingly, KBAL and Pecan Bayou request the allotment of Channel 237C3 to Goldthwaite, Texas as its first local service, the deletion of Channel 291A from San Saba, Texas, the allotment of Channel 291A to Richland Springs, Texas as a first local service with facilities changes at Brady, Texas and Baird, Texas. In the alternative, Pecan Bayou and KBAL request the allotment of channels to Richland Springs and Hico, Texas as first local services with changes at San Saba, Brady and Meridian, Texas. Both options are favored over Valley Mills.

Respectfully submitted,

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**In Support of a
Counterproposal
MM Docket 01-47, RM-10063
The Joint Petitioners**

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Engineering Statement
In Support of a
Counterproposal
MM Docket 01-25
RM-10063
Pecan Bayou Radio
Roy E. Henderson, Individually

General

The instant counterproposal was prepared for Pecan Bayou Radio ("Pecan"), petitioner for the allotment of channel 291A at Richland Springs, Texas (and possibly channel 285A at Hico, Texas), and Roy E. Henderson ("Henderson"), licensee of KBAL San Saba, Texas. The above named petitioners are referred herein as The Joint Petitioners. It is prepared and submitted in response to an NPRM for MM Docket 01-47 (see DA01-253). The Joint Petitioners present their counterproposal to the allotment of channel 237C2 at Valley Mills, Texas. The counterproposal is presented in two options. In Option I, The Petitioners seek to delete channel 291A at San Saba, Texas and allot channel 237C3 (an IF MX channel) to Goldthwaite, Texas for use by KBAL. The deletion of channel 291A at San Saba allows the allotment of channel 291A at Richland Springs as that community's first local service. Pecan expresses an interest in this allotment.

In Option II, The Joint Petitioners seek the substitution of channel 237A for channel 291A at San Saba for use by KBAL. This substitution also allows the allotment of channel 291A at Richland Springs for Pecan. In addition, if the Commission adopts Option II in lieu of Option I, channel 285A can be allotted to Hico, Texas as that community's first local service. Pecan also expresses an interest in this allotment.

However, through arrangement between The Joint Petitioners (Pecan and Henderson), they request that the Commission adopt Option II only if in comparison to competing petitions, Option I is not superior

Methods

The Joint Petitioners' counterproposal is presented in sections, in which each channel or licensed facility where a change is proposed discussed individually. All sections begin with an allocation or channel spacing study. Additional exhibits then support the proposed modification's technical compliance.

All searches were performed on a V-Soft SearchFM program and verified with the EDX FMSR search program. The FCC F(50,50) contours were calculated using SoftWright's Terrain Analysis Package (TAP) Version 4.1.586. The studies were based on the latest technical data from the Commission's databases. Mapping, population counts, and gain/loss areas were conducted using a professional mapping program from MapInfo Corporation, Version 5.5. The program contains the exact community boundaries of the relevant cities. In pertinent cases where community boundaries were critical, the boundaries were cross-checked with the U.S. Census Bureau's TIGER maps.

All modifications that require a class change or antenna site modification have a gain/loss study for population and square kilometers. The one facility that require community of license change include a remaining services study that demonstrates at least five (5) remaining services in the loss areas.

The MX Relationship of the instant counterproposal and the NPRM

Presently KBAL operates on channel 291A. For its IF channel 237C3 (or Ch 237A) to be allocated for use by KBAL, the pending proposed allotment of channel 237C2 at Valley

Mills must be denied. The Joint Petitioners have not been successful in offering a substitute channel for Valley Mills. Therefore, the instant counterproposal must be considered on a comparative scale

Nature of The Joint Petitioners Counterproposal

A summary of all communities and their related channels (present and proposed) is included in Table 1 for reference. In Option I, The Joint Petitioners propose to delete channel 291A at San Saba and substitute its IF channel 237C3 at Goldthwaite, Texas for use by KBAL. In order to accomplish this, two licensed channels and licensed facilities need to be modified in order to create compliance with §73.207. The substitution of channel 237A for channel 291A at San Saba also allows the allotment of channel 291A to Richland Springs as a first local service. Option II also allows for the allotment of channel 291A at Richland Springs. In Option I, the allotment of channel 237C3 at Goldthwaite creates a new first local service to a community that is larger than Valley Mills, plus an additional local service. In Option II, a new first local service at Hico is preferred over the allotment of channel 237C2 at Valley Mills since Hico is the larger community.

In Option I, the allotment of channel 237C3 at Goldthwaite and channel 291A at Richland Springs requires the following modifications:

- I). KBAL - Channel 237C3 (CH 291A, San Saba, Texas), Goldthwaite, Texas. The allotment of channel 237C3 on the current KBAL IF channel creates a prohibited short space to two (2) existing stations that must be modified in various forms in order to meet the spacing requirements of §73.207. One of the stations requiring

modification is KNEL, channel 237A at Brady, Texas. The second change is an antenna site modification for KAGT Baird, Texas

A). KNEL -channel 237A, Brady, Texas. Presently KNEL, licensed to Brady, Texas, operates on channel 237A. The allotment of channel 237C3 at Goldthwaite creates a short space to the licensed site of KNEL of 64.29 kilometers. The Joint Petitioners propose to delete channel 237A and substitute channel 296A for use by KNEL. The substitution of channel 296A does not require a change in the licensed site of KNEL. No additional spectrum changes are required to accomplish this substitute channel for KNEL since channel 296A can be substituted at the licensed site of KNEL. Channel 296A is available for substitution since it was deleted at Coleman, Texas (KSTA) in MM Docket 98-198.

B). KAGT – channel 236C1, Baird, Texas. Presently KAGT, licensed to Baird, Texas presently operates on channel 236C1 with two sites listed in the Commission's database. The listings represent the KAGT licensed and CP sites. The allotment of channel 237C3 to Goldthwaite creates a short space to KAGT of 7.74 kilometers (licensed site) and 6.48 kilometers (CP site). The Joint Petitioners propose to eliminate this short space by modifying the reference site of KAGT. There are no other spectrum modifications required to make the proposed modifications.

II). AD 291A – channel 291A, Richland Springs, Texas. Currently the community of Richland Springs has no local service. If channel 291A is

deleted at San Saba and substituted with the IF MX channel of 237C3 at Goldthwaite, channel 291A can be allotted to Richland Springs. The allotment of channel 291A at Richland Springs creates a short space of 100.52 kilometers, however when KBAL is moved to channel 237C3 at Goldthwaite, channel 291A at Richland Springs is fully spaced to KBAL by 25.31 kilometers.

This completes the Table of Allotments' modifications required for the allocation of channel 237C3 at Goldthwaite (KBAL), and channel 291A at Richland Springs under Option I.

In Option two, The Joint Petitioners propose to substitute channel 237A for channel 291A with a slight site modification for use by KBAL. This substitution also allows for the allotment of channel 291A to Richland Springs as a first local service. In addition, it allows channel 237A to be substituted for channel 285A at Meridian, Texas, and channel 285A to be allotted to Hico, Texas, as a new first local service. The allotment of channel 285A to Hico is preferred to the allotment of channel 237C2 at Valley Mills since Hico is the larger community.

In order to implement the Joint Petitioners Counterproposal Option II, the following spectrum changes are required.

- I). KBAL - Channel 237CA (CH 291A, San Saba, Texas), San Saba, Texas. The substitution of channel 237A with a slight site modification at San Saba creates a short space to KNEB Brady, Texas (on ch 237A) of 55.16 kilometers. The Joint Petitioners propose to eliminate this short space using the same substitution proposed in Option I, the substitution of channel 296A at the licensed site of

KNEL. The KBAL substitution requires no additional spectrum changes, and since channel 237A is IF with channel 291A the two channels are mutually exclusive. The substitution of channel 237A for channel 291A at San Saba is fully spaced to channel 291A at Richland Springs by 3.16 kilometers and to channel 237A at Meridian by 16.83 kilometers.

- II). AD 285A - Channel 285A, Hico, Texas. The allotment of channel 285A to Hico, Texas as that community's first local service can only occur if channel 237A is substituted for channel 285A (referenced with the channel 285A allotment coordinates) at Meridian. Channel 237A cannot be allotted to Hico and San Saba since these allotments would be short spaced by a minimum of 5.93 kilometers. The allotment of channel 285A requires one additional spectrum change, the substitution of channel 237A for channel 285A at Meridian. The substitution of channel 237A at Meridian is short space to the allotment of channel 237C2 at Valley Mills by 139.19 kilometers. Therefore, the two allotments are MX and since the substitution of channel 237A for channel 285A at Meridian is necessary to allot channel 285A at Hico, the Joint Petitioners proposal is superior since Hico is a larger community than Valley Mills.

- A). AVAC 285A -channel 285A, Meridian, Texas. Presently channel 285A is an unused allotment at Meridian. Channel 285A can also be used at Hico as a first local service, and is the only channel available for substitution to Hico if channel 237 is used in any capacity as proposed in the NPRM or the instant counterproposal, Option II. Therefore, The Joint Petitioners request that

channel 237A be substituted for channel 285A at Meridian in order to allotment channel 285A to Hico. The substitution of channel 237A at Meridian requires no additional spectrum changes after channel 237C2 at Valley Mills is denied. The Meridian channel 237A substitution clears the use of channel 237A at San Saba bt 16.83 kilometers.

This completes the Table of Allotments' modifications required for the substitution of channel 237A at San Saba (KBAL), substitution of channel 296A for channel 237A at Brady, allotment of channel 291A at Richland Springs, substitution of channel 237A for channel 285A at Meridian, and the allotment of channel 285A at Hico under .Option II.

EXHIBITS EXPLAINED (Option I)

KBAL

Exhibit E, Figure 1 is an allocation study depicting the spacing to all known FM facilities that are affected by the allotment of channel 237C3 at Goldthwaite. The study depicts the two on-channel and adjacent channel modifications required, and there are no subchanges. Exhibit E, Figure 2 is a map generated using the programs and techniques in the Methods section of the instant counterproposal. This study depicts the KBAL channel 237C3 allotment coordinates, a maximum class C3 70 dBu contour, and the community boundaries of Goldthwaite. It demonstrates full compliance with §73.315 of the Rules. Exhibit E, Figure 3 is a map demonstrating the gain and loss area of the respective 60 dBu contours for KBAL. Exhibit E, Figure 4 is a remaining services study and Exhibit E, Figure 5 is a list of the stations in the remaining services' study.

KNEL

Exhibit E, Figure 4 is an allocation study depicting the spacing to all known FM facilities that are affected by the substitution of channel 296A for channel 237A at the licensed site of KNEL, Brady, Texas. The study depicts no additional spectrum changes required for this substitution.

KAGT

Exhibit E, Figure 7 is an allocation study depicting the spacing to all known FM facilities that are affected by the modification of the reference site of channel 236C1 at Baird, Texas. Exhibit E, Figure 8 is a map showing the 70 dBu contour for channel 236C1 and the community boundaries of Baird. It verifies compliance with §73.315 of the Commission's Rules and Regulations. Exhibit E, Figure 9 is a map gain/loss study map, comparing the F(50,50) 60 dBu contour for channel 236C1 and the hypothetical 60 dBu contour for the modification of channel 236C1.

AD 291A

Exhibit E, Figure 10 is an allocation study depicting the spacing to all known FM facilities that are affected by the allotment of channel 291A at Richland Springs, Texas. Exhibit E, Figure 11 is a map showing the hypothetical 70 dBu contour for the proposed channel 291A substitution and the Richland Springs community boundaries. It demonstrates full compliance with §73.315 of the Rules.

EXHIBITS EXPLAINED (Option II)

KBAL

Exhibit E, Figure 12 is an allocation study depicting the spacing to all known FM facilities that are affected by the substitution of channel 237A for channel 291A at the modified site of KBAL, San Saba, Texas.. Exhibit E, Figure 13 shows that the allotment of channel 237A at San Saba provides 70 dBu coverage to 100% of the community. Exhibit E, Figure 14 is a gain/loss study between the proposed channel 237A and the licensed channel 291A at San Saba.

AD 285A

Exhibit E, Figure 15 is an allocation study for the allotment of channel 285A at the community of Hico. No additional spectrum changes are required to make this allotment.

AVAC 285

Exhibit E, Figure 16 is an allocation study showing the spacing of all pertinent FM facilities for the substitution of channel 237A for channel 285A at Meridian, Texas. The study uses the channel 285A allotment coordinates as reference. This channel will provide a replacement service for the deletion of channel 285A at Meridian in order to provide a first local service at Hico.

The Joint Petitioners Counterproposal Gain-Loss Area

Exhibit E, Figure 17 is a tabulation of the gain/loss areas for each facility that requires an antenna location or class change. Stations that are proposed to have only their present channel substituted at their licensed site, and require no class changes, are omitted in this study. It is assumed that the service they would provide with a channel change would not

deviate from their current coverage. In addition, the gain/loss totals are included according to the two divisions of the instant counterproposal discussed earlier.

The study includes some facilities that have a deviation in their coverage area proposed by the instant counterproposal. Listed in the study is each station's loss and gain area in square kilometers and the population gains and losses in number of persons according to the U.S. Census Bureau's estimated 1999 population figures. It depicts a cumulative total loss area of 741 square kilometers and a gain area of 9,181 square kilometers. The Joint Petitioners counterproposal has a net area gain of 8,440 square kilometers.

The population loss has a cumulative loss of 4,802 persons, while the population gain is 34,903 persons. Therefore, the net population gain of The Joint Petitioners counterproposal is 30,101 persons. The total population gain is less than the 74,413 persons served by channel 237C2 at Valley Mills, however total population gain is not the criteria for a determination between the NPRM and the instant counterproposal. The instant counterproposal creates a new service to two communities in each option. In each case, one of the communities is larger than Valley Mills. See the legal section of the instant counterproposal for comparison methods.

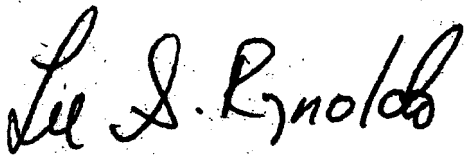
Statement of the Consultants

The instant engineering portion of a counterproposal was prepared for The Joint Petitioners and supports a counterproposal to MM Docket 01-47, RM-10063. It was developed by Reynolds Technical Associates (RTA) and may not be used for purposes other than submission to the Commission by The Joint Petitioners.

It may not be reproduced in its entirety, or in part, by anyone (other than from the Commission) without the written consent of RTA.

The information in this application is compiled from the most recent Commission and outside data. RTA is not responsible for errors resulting from incorrect data or unpublished rule and procedure changes.

For Reynolds Technical Associates:



Lee S. Reynolds



April 08th, 2001

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ENGINEERING STATEMENT

In Support of a Counterproposal MM Docket 00-47

The Joint Petitioners

Summary of Channel Assignments

(Depicting all communities, channels, and modifications)

COMMUNITY	PRESENT	PROPOSED	COMMENTS
Goldthwaite, TX (Option I)	-----	237C3	Delete channel 291A at San Saba, TX and change community of license to Goldthwaite, TX on Ch 237C3 as a first local service on IF MX channel (See KBAL sub changes listed below)
Brady, TX	237A,	296A	Delete channel 237A at Brady, TX and substitute channel 296A at KNEL licensed site. (No sub changes required)
Baird, TX	236C1	2236C1	Modify antenna reference for KAGT to site that eliminates short space to channel 237C3 at Goldthwaite, TX. (No sub changes required).
Richland Springs, TX	-----	291A	Delete Ch 291A at San Saba, TX and substitute Ch 237C3 at Goldthwaite (or channel 237A at San Saba). Subsequently channel 291A can be allotted to Richland Springs. (no additional sub changes required)
San Saba, TX (Option II)	291A	237A	Delete Ch 291A and substitute Ch 237A at a new antenna site. Channel 237A at San Saba is compatible with channel 237A at Meridian but is MX with channel 237C2 at Valley Mills, TX. (no additional sub changes required).
Hico, TX	-----	285A	Allocate channel 285A at Hico, Tx after channel 237A is substituted for channel 285A at Meridian. (no additional sub changes required)
Meridian, TX	285A	237A	Substitute channel 237A for channel 285A at channel 285A allotment reference. Channel 237A is compatible with channel 237A at San Saba, but is MX with channel 237C2 at Valley Mills. (no additional sub changes required).

**ENGINEERING STATEMENT
In Support of a
Counterproposal**

MM Docket 01-47, RM-10063
The Joint Petitioners
Option I

Allocation Study - Ch 237C3 Goldthwaite, TX
[Deleting Ch 291A at San Saba and allotting 237C3 at Goldthwaite]
(Using proposed allocation coordinates as reference)

Reference				Class C3		DISPLAY DATES	
31 24 36 N.				Current rules spacings		DATEA	04-05-01
98 36 52 W.				Channel 237A - 95.3 MHz		SEARCH	04-07-20
Call	Ch#	City	State	Bear'	Dist'	R'qrd	Margin
Community of Goldthwaite			TX	43.5	6.07		
Reference Coordinates:							
North Latitude: 31-26-59							
West Longitude: 98-34-14							
RADD	237C2	Valley Mills	TX	65.7	90.85	177.0	-86.15 *
Of Concern:							
An MX point between the instant counterproposal and NPRM.							
KNELFM	237A	Brady	TX	245.9	77.71	142.0	-64.29 *
Of Concern:							
Substitution of Ch 269A proposed at KNEL licensed site							
KCKR	238C	Waco	TX	84.9	137.46	176.0	-38.54 *
Of No Concern:							
KCKR now operates on Ch 239C2.							
KAGT	236C1	Baird	TX	324.2	136.26	144.0	-7.74 *
KAGT.A	236C1	Baird	TX	314.9	137.52	144.0	-6.48 *
Of Concern:							
Modification of site to eliminate short space at; NL: 32-18-01, WL: 99-43-20							
KBAL.A	291A	San Saba	TX	190.9	10.73	12.0	-1.27 *
Of Note:							
KBAL site modification to;							
NL: 31-18-54, WL: 98-38-09							
MX point for KBAL on Ch 291A and Ch 237C3.							
KKMJFM	238C1	Austin	TX	147.1	143.51	144.0	-0.49 *
KBALFM	291A	San Saba	TX	201.5	26.16	12.0	14.16
Of Note:							
Licensed site of KBAL on Ch 291A before substitution of Ch 237A proposed in instant counterproposal.							
AD291	291A	Richland Springs	TX	223.0	32.43	12.0	20.43
Of Note:							
Allotment of Ch 291A as first local service proposed after Ch 291A deleted at San Saba.							
KCOREFM	236C1	Comfort	TX	186.6	175.16	144.0	31.16

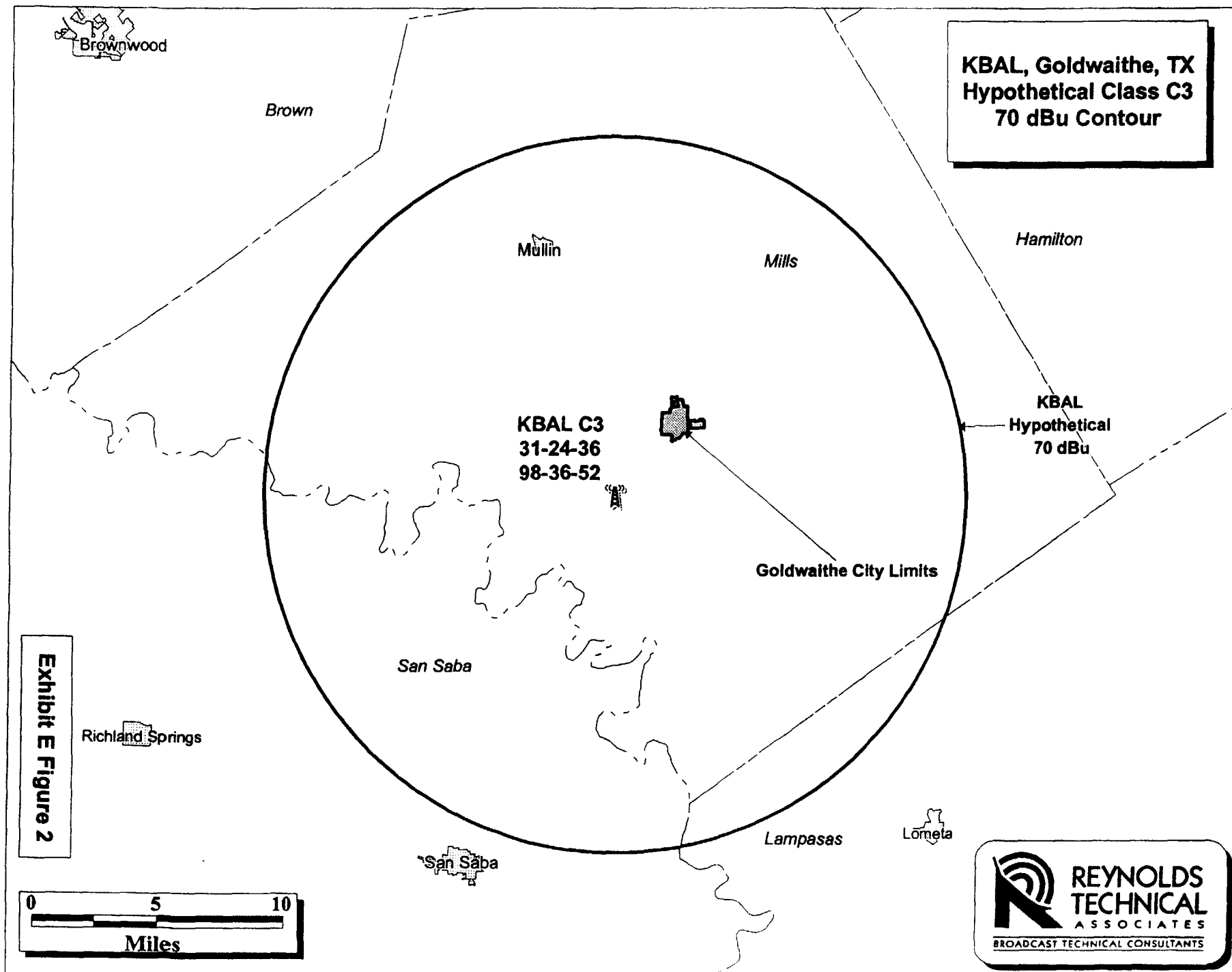
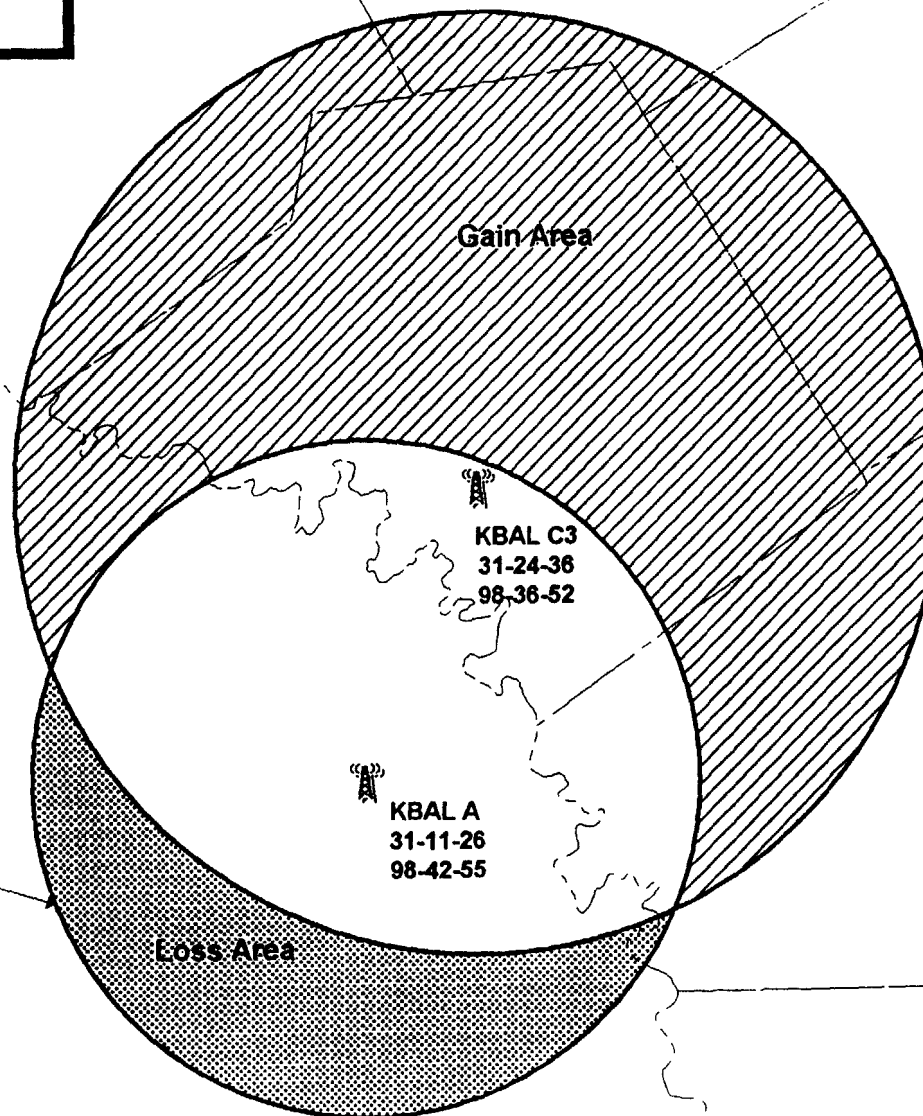


Exhibit E Figure 2

Gain Area = 3,026 sq km
Loss Area = 741 sq km
Population Gain = 6,782
Population Loss = 471

KBAL, Goldwalthe, TX
KBAL, San Saba, TX
Gain/Loss Study



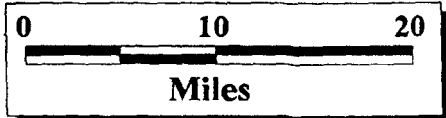
KBAL C3
F (50,50)
60 dBu

KBAL C3
31-24-36
98-36-52

KBAL A
31-11-26
98-42-55

KBAL A
Hypothetical
60dBu

Exhibit E Figure 3



**ENGINEERING STATEMENT
In Support of a
Counterproposal**

MM Docket 01-47, RM-10063
The Joint Petitioners
Options I & II
Allocation Study - Ch 296A Brady, TX
[Deleting Ch 237A at Brady and allotting 296A at KNEL]
(Using KNEL licensed site as reference)

REFERENCE							DISPLAY DATES	
31 07 27 N.		Class A					DATA	04-05-01
99 21 34 W.		Current rules spacings					SEARCH	04-07-20
-----		Channel 296A -107.1 MHz					-----	
Call	Ch#	City	State	Bear'	Dist'	R'qrd	Margin	

KSTAFM	296A	Coleman	TX	355.5	81.22	115.0	-33.78 *	
Of No Concern:								
Ch 296A deleted and Ch 272A (272C3)								
substituted in MM Docket 98-198								
ALLO	296C1	Benbrook	TX	45.1	206.23	200.0	6.23 *	
RADD	242C2	Menard	TX	252.2	23.16	15.0	8.16 *	
KDXTFM	296C1	Granbury	TX	42.7	213.64	200.0	13.64	
ALLO	293C3	Llano	TX	125.6	67.03	42.0	25.03	
RADD	296A	Medina	TX	176.2	147.70	115.0	32.70	
KEXX.C	293A	Llano	TX	125.6	67.03	31.0	36.03	
KGSR	296C2	Bastrop	TX	123.1	203.68	166.0	37.68	
KHLBFM	295A	Burnet	TX	112.9	110.58	72.0	38.58	
ALLO	293A	Llano	TX	129.5	72.59	31.0	41.59	
RADD	295C2	Rocksprings	TX	217.5	150.76	106.0	44.76	
KSJTFM	298C1	San Angelo	TX	286.8	120.58	75.0	45.58	
RADD	293A	Llano	TX	122.4	77.32	31.0	46.32	



ENGINEERING STATEMENT**In Support of a
Counterproposal**

MM Docket 01-47, RM-10063

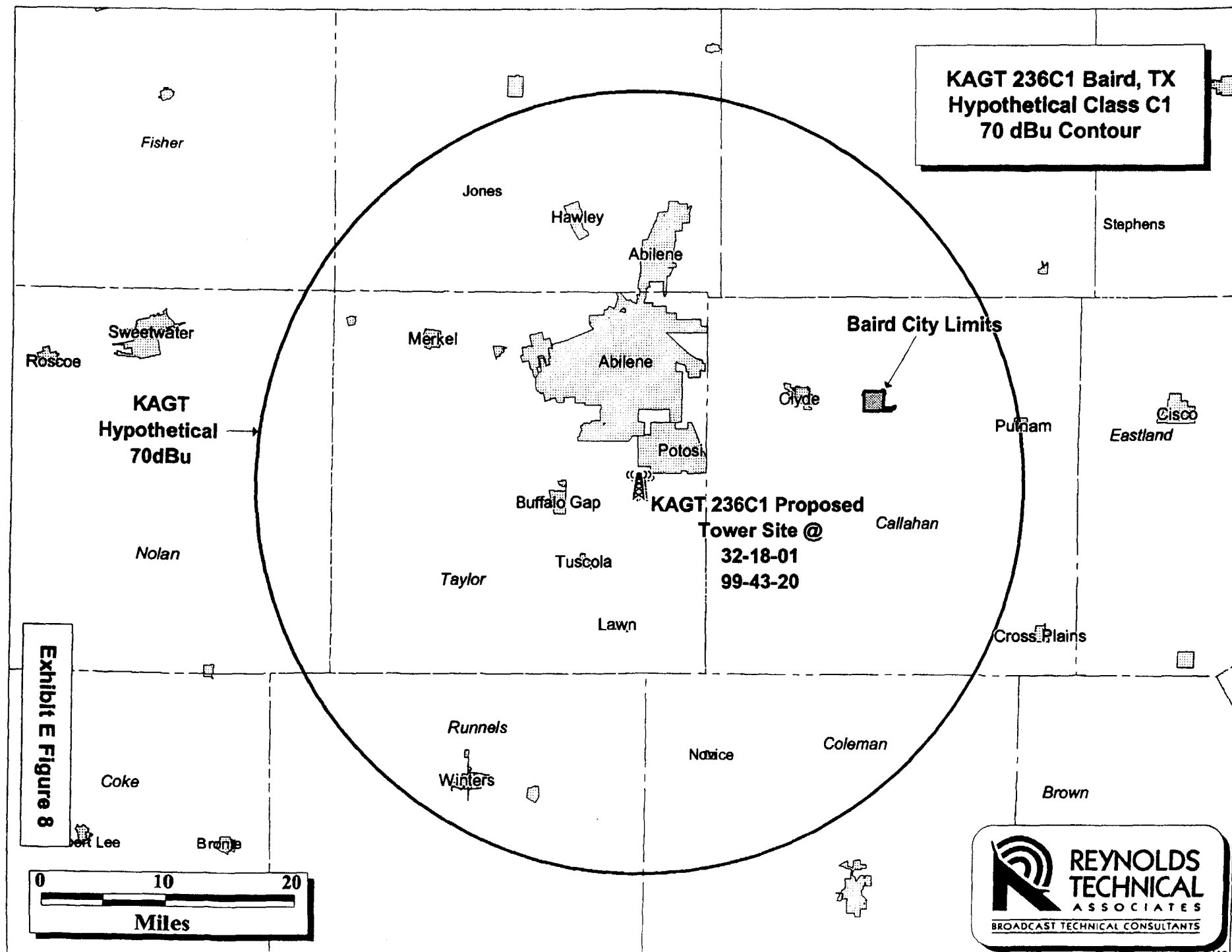
The Joint Petitioners

Option I**Channel Study - Ch 236C1 Baird, TX**

[Modified site of KAGT to eliminate short space with Ch 237C3 at Goldthwaite]
(Using KAGT modified coordinates as reference)

REFERENCE			DISPLAY DATES				
32 18 01 N.		Class C1	DATA	04-05-01			
99 43 20 W.		Current rules spacings	SEARCH	04-07-01			
----- Channel 236 - 95.1 MHz -----							
Call	Ch#	City	State	Bear'	Dist'	R'grd Margin	

Community of Baird			TX				
Reference Coordinates:							
North latitude:							
West Longitude:							
KAGT.A 236C1 Baird			TX	103.0	7.55 245.0	-237.45 *	
KAGT 236C1 Baird			TX	64.7	27.59 245.0	-217.41 *	
Of No Concern:							
Licensed and CP site of KAGT							
before proposed site modification.							
AD237 237C3 Goldthwaite			TX	133.3	144.00 144.0	0.00 *	
Of Note:							
Proposed allotment of Ch 237C3 at							
Goldthwaite after MX Ch 291A deleted							
At San Saba.							
KNELFM 237A Brady			TX	165.2	134.86 133.0	1.86 *	
Of Note:							
Ch 296A substituted for Ch 237A							
at Brady in instant counterproposal							
KIXYFM 234C1 San Angelo			TX	217.3	113.39 82.0	31.39	
KQRX 236C3 Midland			TX	263.5	244.09 211.0	33.09	
RADD 237C2 Valley Mills			TX	108.1	196.80 158.0	38.80	
KCORFM 236C1 Comfort			TX	162.6	285.81 245.0	40.81	
ALLO 234C3 Graham			TX	47.1	121.30 76.0	45.30	
KOLI 235C2 Electra			TX	19.0	209.19 158.0	51.19	
KLTY 235C Arlington			TX	82.9	260.84 209.0	51.84	
AD237 237A Meridian			TX	100.3	194.94 133.0	61.94	
Of Note:							
Substitution of Ch 237A for Ch 285A							
proposed at Ch 285A allotment coordinates							
in instant counterproposal.							



Gain Area = 1,125 sq km
Loss Area = 1,125 sq km
Population Gain = 13,758
Population Loss = 4,206

KAGT Current, Baird, TX
KAGT, Proposed, Baird, TX
Gain/Loss Study

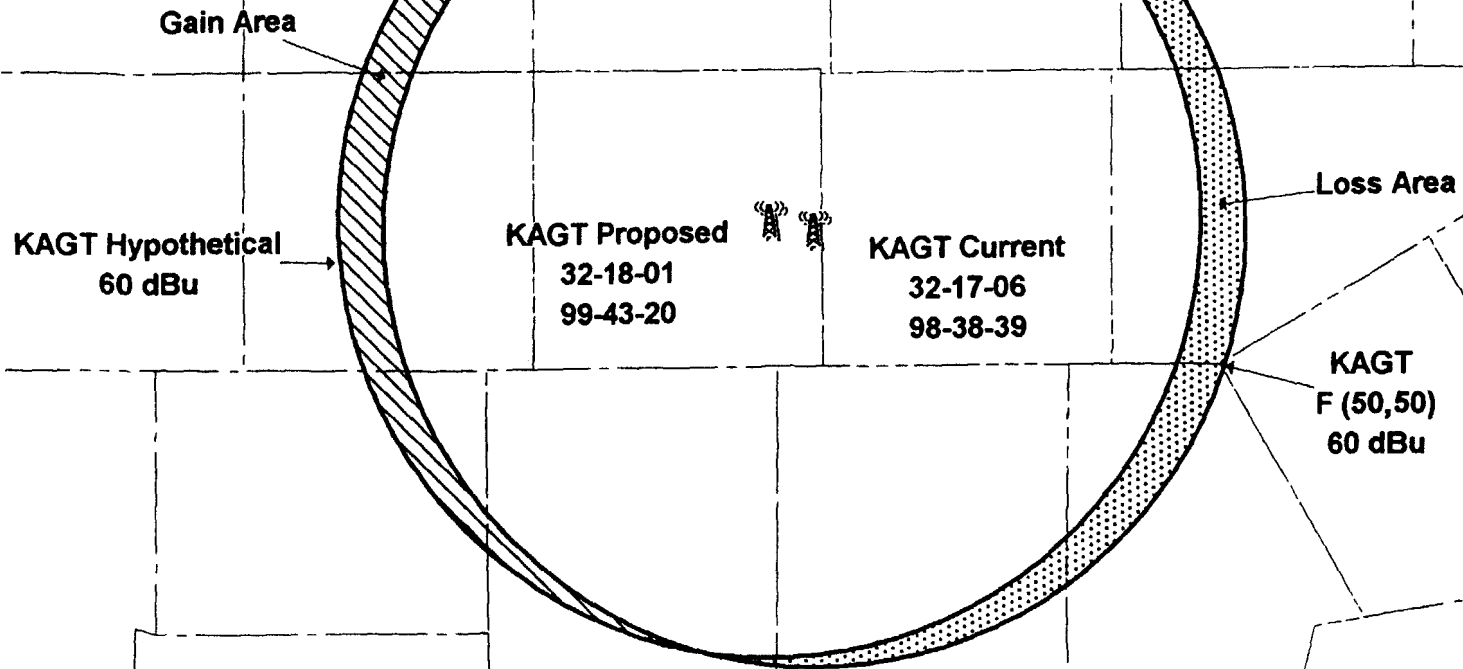
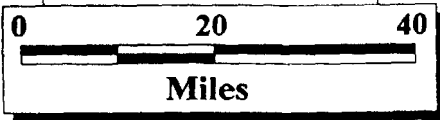


Exhibit E Figure 9



**In Support of a
Counterproposal**

MM Docket 01-47, RM-10063

The Joint Petitioners

Options I & II

Allocation Study - Ch 291A Richland Springs, TX

[Deleting Ch 291A at San Saba and allotting 291A at Richland Springs]

(Using proposed allocation coordinates as reference)

Reference				DISPLAY DATES			
31 11 49 N.				DATA 04-05-01			
98 50 53 W.				SEARCH 04-07-01			
				Class A			
				Current rules spacings			
				Channel 291 -106.1 MHz			
Call	Ch#	City	State	Bear'	Dist'	R'grd	Margin
Community of Richland Springs				TX	311.0	12.21	
Reference Coordinates:							
North Latitude: 31-16-09							
West Longitude: 98-56-41							
KBAL.L 291A	San Saba		TX	93.2	12.67	115.0	-102.33 *
Of Concern:							
Substitution of Ch 237C3 at Goldthwaite							
(Option I) at;							
NL: 31-24-36, WL: 98-36-52.							
(Option II) Substitution of Ch 237A							
San Saba at;							
NL: 31-12-24, WL: 98-44-21							
KMDX.C 291C2	San Angelo		TX	279.2	165.94	166.0	-0.06 *
KBAL.P 237A	San Saba		TX	84.1	10.42	10.0	0.42 *
Of Note:							
Proposed substitution of Ch 237A							
for Ch 291A (Option II) at;							
NL: 31-12-24, WL: 98-44-21							
RADD 291C2	San Angelo		TX	274.0	166.91	166.0	0.91 *
ALLO 293C3	Llano		TX	173.2	47.40	42.0	5.40 *
KHKS 291C	Denton		TX	48.9	235.22	226.0	9.22 *
KHKS 291C	Denton		TX	49.0	235.24	226.0	9.24 *
KHKS 291C	Denton		TX	49.0	235.42	226.0	9.42 *
KHKS.A 291C	Denton		TX	49.1	235.46	226.0	9.46 *
KEXX.C 293A	Llano		TX	173.2	47.40	31.0	16.40
ALLO 291A	Kerrville		TX	192.6	132.40	115.0	17.40
RADD 290C3	Crossplains		TX	342.6	108.19	89.0	19.19
RADD 290C3	Cross Plains		TX	342.6	108.19	89.0	19.19
KBAL.P 237C3	San Saba		TX	43.3	32.43	12.0	20.43
Of Note:							
Proposed substitution of Ch 237C3							
at Goldthwaite for Ch 291A at San Saba							
(Option I) at;							
NL: 31-24-36, WL: 98-36-52							

**AD291.A, Richland Springs, TX
Hypothetical Class A
70 dBu Contour**

Richland Springs City Limits

**AD291.A
Hypothetical
70dBu**



**AD291A Proposed
Tower Site @
31-11-49
98-50-53**

San Saba

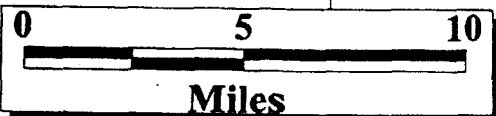
San Saba

Mills

Lampasas

McCulloch

Exhibit E Figure 11



ENGINEERING STATEMENT**In Support of a
Counterproposal**

MM Docket 01-47, RM-10063

The Joint Petitioners

Option II**Allocation Study - Ch 237A San Saba, TX**

[Deleting Ch 291A at San Saba and allotting 237A for KBAL]

(Using proposed allocation coordinates as reference)

REFERENCE						DISPLAY DATES	
31 12 24 N.			Class A			DATA	04-05-01
98 44 21 W.			Current rules spacings			SEARCH	04-07-01
-----			Channel 237A - 95.3 MHz	-----			
Call	Ch#	City	State	Bear'	Dist'	R'grd	Margin
-----			-----				
Community of San Saba			TX	121.8	2.40		
Reference Coordinates:							
North Latitude: 31-11-43							
West Longitude: 98-43-04							
KNELFM 237A	Brady		TX	261.2	59.84	115.0	-55.16 *
Of Concern:							
Substitution of Ch 296A proposed							
at KNEL licensed site.							
RADD 237C2	Valley Mills		TX	57.6	112.11	166.0	-53.89 *
Of Concern:							
One MX point of instant counterproposal							
with NPRM							
KCKR 238C	Waco		TX	76.8	152.95	165.0	-12.05 *
Of No Concern:							
KCKR now operates on Ch 238C2.							
KBALFM 291A	San Saba		TX	128.1	2.89	10.0	-7.11 *
Of No Concern:							
Licensed site of KBAL on Ch 291A,							
<u>IF</u> channel proposed substitution.							
KKMJFM 238C1	Austin		TX	137.4	133.00	133.0	0.00 *
KKMJFM 238C1	Austin		TX	137.4	133.00	133.0	0.00 *
KKMJFM 238C1	Austin		TX	137.4	133.00	133.0	0.00 *
AD291 291A	Richland Springs		TX	264.1	10.42	10.0	0.42 *
Of Note:							
Proposed allotment of Ch 291A proposed							
in instant counterproposal at;							
NL: 31-11-49, WL: 98-50-53							
KAGT.A 236C1	Baird		TX	324.4	147.14	133.0	14.14
KAGT 236C1	Baird		TX	332.9	149.42	133.0	16.42
AD237 237A	Meridian		TX	49.1	131.83	115.0	16.83
Of Note:							
Substitution of Ch 237A for Ch 285A							
Meridian proposed in instant counterproposal at							
Ch 285A allotment reference.							
KCOREFM 236C1	Comfort		TX	183.1	151.67	133.0	18.67

**KBAL, San Saba, TX
Hypothetical Class A
70 dBu Contour**

**KBAL
Hypothetical
70dBu**

Richland Springs

**KBAL Proposed
Tower Site @
31-12-24
98-44-21**

Mills

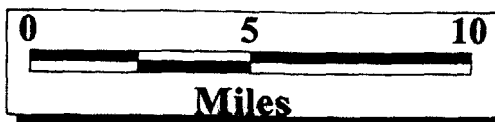
San Saba City Limits

Lometa

Lampasas

San Saba

Exhibit E Figure 13



**REYNOLDS
TECHNICAL
ASSOCIATES**
BROADCAST TECHNICAL CONSULTANTS

Gain Area = 163.6 sq km
Loss Area = 163.6 sq km
Population Gain = 131
Population Loss = 125

KBAL Licensed, San Saba, TX
KBAL, Proposed, San Saba, TX
Gain/Loss Study

Gain Area

Loss Area

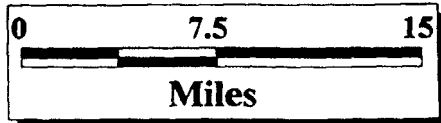
KBAL Hypothetical
60 dBu

KBAL Proposed
32-12-24
98-44-21

KBAL Current
31-11-26
98-42-55

KBAL
F (50,50)
60 dBu

Exhibit E Figure 14



ENGINEERING STATEMENT**In Support of a
Counterproposal**

MM Docket 01-47, RM-10063

The Joint Petitioners

Option II**Allocation Study - Ch 285A Hico, TX**

[Alloting Ch 285A at Hico as first local service]

(Using proposed allotment coordinates as reference)

REFERENCE		Class A	DISPLAY DATES
31 57 22 N.			DATA 05-05-01
98 01 46 W.	Current rules spacings		SEARCH 04-07-01

----- Channel 285A -104.9 MHz -----

Call	Ch#	City	State	Bear'	Dist'	R'grd	Margin
------	-----	------	-------	-------	-------	-------	--------

Community of Hico TX

Reference Coordinates:

North Latitude: 31-58-58

West Longitude: 98-01-59

RADD 285C3 Hamilton TX 204.6 16.70 142.0 -125.30 *

Of No Concern:

Ch 285A allotted to Meridian instead.

ALLO 285A Meridian TX 84.3 32.29 115.0 -82.71 *

Of Concern:

Substitution of Ch 237A at Ch 285A

allotment reference proposed.

ALLO 285C2 Marble Falls TX 192.2 152.81 166.0 -13.19 *

Of No Concern:

Allotment reference for Ch 285C2

(KXXS). This reference dissolved when

a CP for Ch 285C2 was granted for KXXS.

See KXXS below.

KXXS 285C2 Marble Falls TX 187.0 169.06 166.0 3.06 *

Of Note:

Licensed site of KXXS on

Ch 285C2.

KTCY 285C1 Pilot Point TX 29.4 204.20 200.0 4.20 ***KEANFM 286C1 Abilene TX 283.5 151.86 133.0 18.86****KEANFM 286C1 Abilene TX 283.5 151.89 133.0 18.89****RADD 285C3 Marble Falls TX 185.4 168.19 142.0 26.19****KYNG 287C Dallas TX 54.8 121.48 95.0 26.48****KKDAFM 283C Dallas TX 54.8 121.48 95.0 26.48****KXXS.C 285C3 Marble Falls TX 187.0 169.06 142.0 27.06****KKDAFM 283C Dallas TX 54.9 122.08 95.0 27.08****KYNG 287C Dallas TX 55.3 122.30 95.0 27.30****KYNG.C 287C Dallas TX 55.3 122.30 95.0 27.30****KYCXFM 285A Mexia TX 101.0 145.25 115.0 30.25**

ENGINEERING STATEMENT
In Support of a
Counterproposal

MM Docket 01-47, RM-10063

The Joint Petitioners

Option II

Allocation Study - Ch 237A Meridian, TX

[Deleting Ch 285A at Meridian and allotting 237A]

(Using Ch 285A allotment coordinates as reference)

REFERENCE							DISPLAY DATES	
31 59 07 N.		Class A					DATA	04-05-01
97 41 22 W.		Current rules spacings					SEARCH	04-07-01
		Channel 237A - 95.3 MHz						
Call	Ch#	City	State	Bear'	Dist'	R'grd	Margin	
RADD	237C2	Valley Mills	TX	190.8	26.81	166.0	-139.19	*
Of Concern:								
2 nd MX point of instant counterproposal								
with NPRM								
KCKR	238C	Waco	TX	136.5	70.96	165.0	-94.04	*
OF No Concern:								
KCKR now operates on Ch 239C2.								
KLTY	235C	Arlington	TX	45.4	95.33	95.0	0.33	*
KYXSFM	240C1	Mineral Wells	TX	329.3	87.47	75.0	12.47	
ALLO	240C1	Mineral Wells	TX	327.1	88.36	75.0	13.36	
KCKR	239C2	Waco	TX	138.1	70.15	55.0	15.15	
KBAL.P	237A	San Saba	TX	229.1	131.83	115.0	16.83	
Of Note								
Proposed substitution of Ch 237A for								
Ch 291A for KBAL with site change at;								
NL: 31-12-24, WL: 98-44-21								
KHYI.A	237C2	Howe	TX	27.3	184.61	166.0	18.61	
ALLO	237C2	Howe	TX	26.5	190.06	166.0	24.06	
KAGT	236C1	Baird	TX	285.7	173.12	133.0	40.12	
KHYI	237C3	Howe	TX	33.2	186.93	142.0	44.93	



**Engineering Statement
In Support of a
Counterproposal
MM Docket 01-47, RM-10063
The Joint Petitioners**

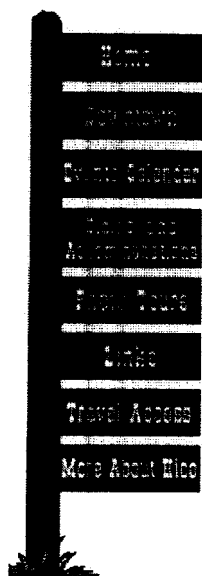
**Cumulative Gain/Loss Study
(Area in square kilometers, Population Figures 1999 US Census Bureau Estimates)**

<u>Facility</u>	<u>City of License</u>	<u>Gain Area</u>	<u>Loss Area</u>	<u>Population Gain</u>	<u>Population Loss</u>
KBAL (Option I)	Goldthwaite, TX	3,026	741	6,782	471
KAGT	Baird, TX	1,125	1,125	13,758	4,206
AD 291A	Richland Springs, TX	2,515	0	6,400	0
KBAL (Option II)	San Saba, TX	163.6	163.6	131	125
AD 285A (Option II)		2,515	0	7,832	0

Totals

Net Area Gain (Loss):	7,315
Net Pop. Gain (Loss):	30,101





MORE ABOUT HICO

More about Hico

At the tip of the Hill Country, Hwy 6 & 281 Experience a friendly, turn-of-the-century western town bordering the Bosque River offering Texas's only "Texas Cowboy Hall of Fame", Billy the Kid Museum, nine antique/craft shops, handcrafted chocolate shops, leather and knife craftsmen, great restaurants, free Saturday night music and carriage rides.



To learn more about the history of Hico
[Click Here!](#)

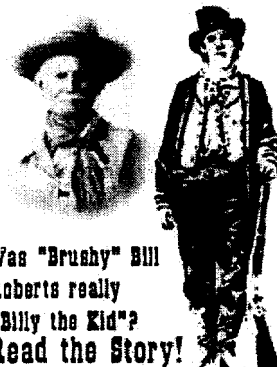
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[[Links](#) || [Travel Access](#) || [More About Hico](#)]

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WELCOME TO HICO, TEXAS

WHERE EVERYBODY IS SOMEBODY

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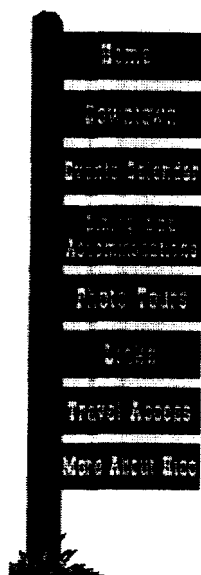
Was "Brushy" Bill
Roberts really
"Billy the Kid"?
Read the Story!

The City of Hico, Home of Cowboys and Legends...

Chamber of Commerce
2nd Tuesday every month

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MORE ABOUT HICO

The History of Hico, Texas



The original town of Hico was founded in 1856 on Honey Creek, a most picturesque and historical stream that flows into the Bosque River. Hico was named by J.R. Alford, after his old home town of Hico, Kentucky. In 1880 the Texas Central Railroad

was built through Hamilton County. Hico was approximately two and one half miles from the railroad. Officials proposed that the town be moved to the railroad.

On November 11, 1880, an auction was held to sell the first lots for the new location of Hico. Soon the only remains of Old Hico were a corn mill and cotton gin. The mill and gin were torn down in 1930, and the rocks from these two buildings were used to build the present school gym and the marker of Old Hico.

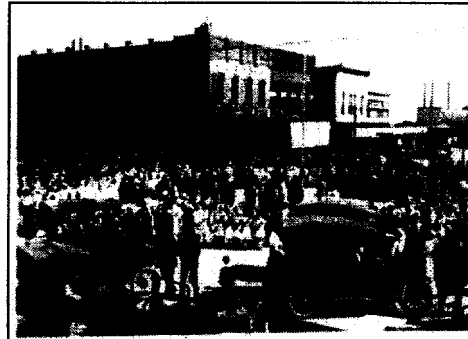
The early settlers were faced with many hardships. There were many Indian raids. Once Indians stole 11 saddle horses. Another incident involving Indians occurred when several men and boys from Hico went on a cow hunt at Blue Ridge, near Hamilton. Some Indians rode up and killed two of the men. The Indians chased the other members of the party. The settlers also had to deal with many cattle thieves.

In the Fall of 1890 there were two disastrous fires. The first destroyed the entire east side of Pecan Street. A few weeks later the west side was also destroyed. The citizens, not daunted saw a vision of a bigger and better Hico, and they immediately began the erection of handsome, commodious structures to replace the older and smaller ones. These made the town assume the proportions and appearance of a magnificent little city.



Shortly after the turn of the century, Hico was buying and shipping more grain than all other towns combined on the Texas Central Railroad. According to early day reports, by 1907, more cotton was bought right off wagons on main street than in any town in the world. By 1908 Hico received 25,000 to 40,000 bales of cotton a year. There were 95 businesses including a candy factory, six hotels, a broom factory and ten grocery stores. Recreation in the early period of Hico included an Opera House, the Palace Theater and a Roller Rink which was located south of the railroad depot under a tent.

As with most small towns, as rural America declined and the railroads started disappearing, Hico also went from a striving town to a small community of farmers and ranchers. Now Hico is once again growing with new business and



interest. Although Old Hico and its people are gone now they have left a vivid imprint on the future of Hico. They have set an example for all future generations. They proved that although there are many hardships in life, in order to create something lasting and worthwhile one must learn to stand up and overcome these hardships. The citizens of Hico will continue to always dream of something bigger and better, and will always have pride in their town.

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Saturday Nights

- ## Special Events

April

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June

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July

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*2001**July 28, 2001***5K Run**[Click for Details](#)

August

*August 17, 18, 19,
2001***Hico Auto Swap Meet**[Click for Details](#)

September

September 22, 2001 **Hico Livestock Show**[Click for Details](#)

November

November 24, 2001 **Christmas Craft Market
and Light Parade**[Click for Details](#)

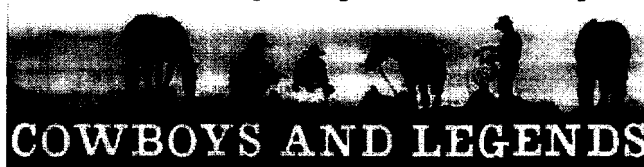
December

December 1, 2001 **The Christmas Tour of
Homes**[Click for Details](#)

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**Hico, Texas Home of 1350 Proud Texans,
"Where Everybody is Somebody!"**



We offer for your consideration and enjoyment...



City Council Meetings

2nd and 4th Wednesday every month

Join Mayor Bundy and the Council as they work to keep
Hico the great place that it is to live and raise a family.

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**Hico, Texas Home of 1350 Proud Texans,
"Where Everybody is Somebody!"**



We offer for your consideration and enjoyment...



Hico Economic Development Corporation

1st Tuesday of Every Month

Please come and attend meetings regarding community project discussions with HEDC the group responsible for managing your 1/2 cent sales tax.

If you Still need more information **[Click here](#)**

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CERTIFICATE OF SERVICE

I, Kay D. Dallosta, a secretary in the law firm of Shook, Hardy & Bacon, do hereby certify that I have on this 9th day of April, 2001 caused to be mailed by first class mail, postage prepaid, copies of the foregoing "**Counterproposal**" to the following:

Robert Lewis Thompson, Esq.
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Company, Petitioner

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Kay D. Dallosta